

FIRST REGULAR SESSION
HOUSE BILL NO. 224
91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (27).

Pre-filed January 2, 2001, and 1000 copies ordered printed.
ANNE C. WALKER, Chief Clerk
0939L.011

AN ACT

To repeal section 217.541, RSMo 2000, relating to house arrestees, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 217.541, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 217.541, to read as follows:

217.541. 1. The department shall by rule establish a program of house arrest. The director or [his] a designee may extend the limits of confinement of offenders serving sentences for [class C or D] felonies who have one year or less remaining prior to release on parole, conditional release, or discharge to participate in the house arrest program. **Offenders who are serving sentences for dangerous felonies, as defined in section 556.061, RSMo, or identified as predatory sexual offenders, as defined in section 558.018, RSMo, are not eligible for participation in the house arrest program.**

2. The offender referred to the house arrest program shall remain in the custody of the department and shall be subject to rules and regulations of the department pertaining to offenders of the department until released on parole or conditional release by the state board of probation and parole.

3. The department shall require the offender to participate in work or educational or vocational programs and other activities that may be necessary to the supervision and treatment of the offender.

4. An offender released to house arrest shall be authorized to leave [his] **such offender's** place of residence only for the purpose and time necessary to participate in the program and activities authorized in subsection 3 of this section.

5. The board of probation and parole shall supervise every offender released to the house arrest program and shall verify compliance with the requirements of this section and such other rules and regulations that the department shall promulgate and may do so by remote electronic surveillance. If any probation/parole officer has probable cause to believe that an offender under house arrest has violated a condition of the house arrest agreement, the probation/parole officer may issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation. The warrant

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility to which the offender is brought shall be sufficient legal authority for detaining the offender. An offender arrested [under] **pursuant to** this section shall remain in custody or incarcerated without consideration of bail. The director or [his] a designee, upon recommendation of the probation and parole officer, may direct the return of any offender from house arrest to a correctional [facility] **center** of the department for reclassification.

6. Each offender who is released to house arrest shall pay a [percentage of his] **per diem rate from such offender's** wages, established by department rules, to a maximum of the per capita cost of the house arrest program. The money received from the offender shall be deposited in the inmate **revolving** fund and shall be expended to support the house arrest program.